

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, November 9, 2021)

501 KAR 2:020. Definitions for 501 KAR Chapter 2.

RELATES TO: KRS 532.060, 532.100

STATUTORY AUTHORITY: KRS 196.035, 197.020, 532.100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 532.100(5)(4) requires [the Department of Corrections to house] qualifying Class D and Class C felons to serve their sentences in [county] jails [and promulgate administrative regulations establishing required programs for the jails where they are housed]. **KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet.** This administrative regulation establishes the definitions used in 501 KAR Chapter 2 for the Class C and D felons serving their sentences in the jails pursuant to the statute instead of in a state correctional institution[, which implements the required housing program].

Section 1. Definitions. (1) "Assessment and Classification Center" or "AC Center" means the units at Roederer Correctional Complex, [and] Kentucky Correctional Institution for Women, and Ross Cash Center that initially receive all convicted felons, except for those sentenced to the death penalty, who are committed to the Kentucky Department of Corrections.

(2) "Class C felon" means an inmate convicted of a Class C felony that meets the requirements established in KRS 532.100(5)(c).~~[532.100(4)(c)1.]~~

(3) "Class D felon" means an inmate convicted of a Class D felony that meets the requirements established in KRS 532.100(5)(4) (a), (b), or (c).

(4) ~~["Classification branch manager" means the Department of Corrections employee who approves inmates for placement in jails and in halfway house facilities throughout the state and oversees the prerelease programs.~~

~~(5) "Close custody" means that the inmate meets the requirements for that classification level established in the Department of Corrections Classification Manual, incorporated by reference in 501 KAR 6:080.~~

~~(6) "Community custody" means that the inmate meets the requirements for that classification level established in the Department of Corrections Classification Manual, incorporated by reference in 501 KAR 6:080.~~

~~(5)(7) "Controlled intake inmate" means a convicted felon who is entering into the Kentucky adult correctional system.~~

(6) "Deaf or hard of hearing inmate" means an inmate who **has a hearing loss, which qualifies the inmate as an individual with a disability under the Americans with Disability Act (ADA) [is unable to hear well enough to rely on hearing as a means of processing information, who relies on auxiliary aids and services to effectively communicate, and who qualifies as an individual with a disability under the Americans with Disabilities Act (ADA), including deaf, hard of hearing, or hearing impaired person].** See 42 U.S.C. § 12102(4).

~~(7)(8) "Department" is defined by KRS 441.005(5).~~

~~(8) "Director of Population Management" means the Department of Corrections employee who approves inmates for placement in jails and in halfway house facilities throughout the state.~~

(9) "Educational good time" means a credit on an inmate's sentence for an educational accomplishment pursuant to KRS 197.045(1)(a)2.

(10) "Escape" is defined by KRS 520.010(5).

(11) "Jail" means a jail as defined by KRS 441.005(1) or a regional jail as defined KRS 441.005(7).

(12) "Jail administrator" means the official appointed by a regional jail authority and charged with the responsibility of administering the regional jail.

(13) "Jail personnel" is defined by KRS 441.005(6).

(14) "Jailer" means:

(a) The official duly elected or appointed pursuant to Section 99 or 152 of the Kentucky Constitution, charged with the responsibility of administering the jail;

(b) The administrator or executive director of a department as defined by KRS 67B.020(1);
[or]

(c) The administrator or director of a correctional services division as described by KRS 67A.028; or

(d) The administrator of a regional jail as defined by KRS 441.005(7).

(15) "KOMS" means Kentucky Offender Management System.

(16) "Maximum custody" means that the inmate meets the requirements for that classification level established in the Department of Corrections Classification Manual, incorporated by reference in 501 KAR 6:080.

(17) "Medium custody" means that the inmate meets the requirements for that classification level established in the Department of Corrections Classification Manual, incorporated by reference in 501 KAR 6:080.

(18) "Meritorious good time" means a credit on an inmate's sentence pursuant to KRS 197.045(1)(b)2.

(19) "Minimum custody" means that the inmate meets the requirements for that classification level established in the Department of Corrections Classification Manual, incorporated by reference in 501 KAR 6:080.

(20) "Qualified inmate" means an inmate that may be housed in [county] jails electing to house state inmates as described in KRS 532.100(5)(4).

(21) ~~["Restricted custody" means that the inmate meets the requirements for that subcategory of the minimum custody classification level established in the Department of Corrections Classification Manual, incorporated by reference in 501 KAR 6:080.~~

~~(22)~~ "Statutory good time" means a credit on an inmate's sentence pursuant to KRS 197.045(1)(b)1.

~~(22)~~(23) "Waiver" means that the department has granted the county an exemption from housing any Class D or Class C felons in its [county] jail pursuant to KRS 532.100.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, Justice.RegContact@ky.gov.